

RECEIVED
**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS**

Applicants: David A. Edwards and Jeffrey S. Hrkach

Serial No.: 09/383,054

Group Art Unit: 1615

Filed: August 25, 1999

Examiner: Pulliam, A.

For: STABLE SPRAY-DRIED PROTEIN FORMULATIONS

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MAY 24 2001

TECH CENTER 1600/2900

11/ Ext of time
(1mo) & Notice of
Appeal
c/m
5-21-01

Bet
5-30-01

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231

on 5/21/01

Date

Signature

Kathleen Riley

Typed or printed name of person signing certificate

05/24/2001 GTEFFERA 00000137 09383054

Assistant Commissioner for Patents
Box AF
Washington, D.C. 20231

01 FC:117

500.00 OP

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated November 21, 2000 of the Primary Examiner finally rejecting claims 50-127. The item(s) checked below are appropriate:

1. Applicant hereby petitions to extend the time for filing a Notice of Appeal in response to the Office Action Made Final dated [] for a total of [] months, from [] to [].
2. A two months extension of time for filing a Notice of Appeal in response to the Office Action Made Final dated November 21, 2000 was filed on March 30, 2001, with payment of a \$390.00 fee.
- Applicant hereby petitions for an additional one month extension of time for filing a Notice of Appeal in response to the Office Action Made Final dated November 21, 2000.
3. An Oral Hearing before the Board of Appeals is respectfully requested.

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4. Fees are submitted for the following:

<input type="checkbox"/> Extension of Time for [] month(s)	\$ _____
<input checked="" type="checkbox"/> Additional Extension of Time:	
Fee for Extension (3 mo.)	\$ <u>890</u>
Less fee paid (2 mo.)	- \$ <u>390</u>
Balance of fee due	\$ <u>500</u>
<input type="checkbox"/> Oral Hearing	\$ _____
<input checked="" type="checkbox"/> Notice of Appeal	\$ <u>310</u>
<input type="checkbox"/> Other _____	\$ _____
	TOTAL \$ <u>810</u>

5. The method of payment for the total fees is as follows:

- A check in the amount of \$810 is enclosed.
- Please charge Deposit Account No. 08-0380 in the amount of \$[].

Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this document is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH, REYNOLDS, P.C.

By Anabela C. Taylor
 Anabela Cristina Taylor
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Lexington, Massachusetts 02421-4799

Date: May 21, 2001